

CHATHAM BOROUGH PLANNING BOARD
December 19, 2018 7:30 p.m.

Chairman Susan Favate called this Regular Meeting of the Chatham Borough Planning Board to order at 7:30 p.m. in the Council Chambers, Chatham Municipal Building. Mrs. Favate announced that all legal notices have been posted for this meeting.

Name	Present	Absent
Mayor Bruce Harris	X	
Steve Williams	X	
Chrmn. Susan Favate	X	
H.H. Montague	X	
Vice Chrmn. Matthew Wagner	X	
Torri Van Wie	X	
Matthew Engel	X	
Kyle Muir		X
Curt Dawson	X	
Council Member Peter Hoffman	X	
William Heap	X	
Vincent Loughlin, Esq.	X	

Also present:
Vincent DeNave, Borough Engineer and Zoning Officer

Public Comment

There was none.

Resolution #PB 2018-26

Vice Chrmn. Wagner made a motion to approve the minutes from the December 5, 2018 Planning Board meeting as amended. Mr. Williams seconded the motion. A voice vote was taken. All Board members present voted aye. The minutes were approved.

Resolutions

Application PB #18-13

Bekin Kabashi

250 Main Street

Change of Permitted Use

Block 57, Lot 20

Mr. Williams made a motion to memorialize the resolution approving PB #18-13 granting a Change of Permitted Use to Bekin Kabashi to open his restaurant at 250 Main Street, Block 57, Lot 20. Vice Chrmn. Wagner seconded the motion. A roll call vote was taken:

Mayor Harris - yes

Mr. Williams	-	yes
Chrmn. Favate	-	yes
Mr. Montague	-	yes
Vice Chrmn. Wagner	-	yes
Mr. Engel	-	yes
Mr. Dawson	-	yes
Mr. Heap	-	yes

The resolution was approved.

New and Returning Applications

Chrmn. Favate announced that Application PB #18-01: Main Street Development Group, LLC – 20 Coleman Ave. has now been withdrawn. Attorney Loughlin recommended that Board members acknowledge, by resolution, that they approve this withdrawal.

Vice Chrmn. Wagner made a motion that the Board acknowledge and approve the withdrawal of Application PB #18-01. Mr. Williams seconded the motion. A voice vote was taken. All Board members present voted in approval of the withdrawal of Application PB #18-01.

Application PB #18-14

Town Square Partners, LLC

82 Main Street

Change of Permitted Use with Waiver of Site Plan

Block 53, Lot 33

Andrew Ullrich, Esq., attorney for Town Square Partners, LLC, came forward.

The following were sworn in to testify:

John Boyle, a principal of Boyle Real Estate, New Providence NJ

Baljeet K. Purewal, M.D., LLC

Attorney Ullrich stated that the applicant is proposing to lease 82 Main Street to Dr. Baljeet Purewal, who is an ocular plastic surgeon. Dr. Purewal will explain her practice to the Board and answer any questions. Attorney Ullrich noted that Mr. Boyle is present tonight on behalf of the landlord and also on behalf of the property manager of the William Pitt Townsquare, which includes the building at 82 Main Street. Boyle Real Estate is the management company. Mr. Boyle is the principal of Boyle Real Estate.

Mr. DeNave, the Borough Zoning Officer, pointed out that this property is in the B-3 District. The proposed change is from a retail use to a medical use. A medical use is permitted in the B-3 District.

Mr. Boyle testified that 82 Main Street is part of a condominium. This building measures at 2800 sq. ft. would require 12 parking spaces. Dr. Purewal will be leasing the entire building.

Attorney Ullrich asked how waste disposal will be handled at this site.

Mr. Boyle testified that a common dumpster will be receiving waste from this building. The dumpster is located on the northwest side of the building, behind the Restaurant Serenade. He testified that no off-site parking would be needed for this particular use.

Mr. Boyle testified that he is the managing member of Townsquare Partners. In that role, Mr. Boyle is familiar with the general operation and management of the William Pitt Townsquare Condo Association. He stated that Townsquare Partners would like to lease 82 Main Street to Dr. Purewal, who performs ocular plastic surgery.

Dr. Purewal testified that she is an ocular plastic surgeon. She has been in practice for over 12 years. Dr. Purewal explained that ocular plastic surgery focuses around a person's eyelid and eye socket area. She testified that she performs ocular plastic surgery and minimally evasive techniques for facial rejuvenation. Dr. Purewal had two to three employees. Dr. Purewal testified that she sees between 10 to 15 patients a day. Her work hours are 8 a.m. to 6 p.m. Dr. Purewal testified that there will be no large truck making deliveries to her office.

Regarding signage, Attorney Ullrich noted that the applicant knows that he is subject to the Borough Historic Preservation Commission's requirements. Attorney Ullrich did not believe that the tenant had completed a sign proposal to submit. There is also a requirement from the Condo Association stating that all proposed signage has to be approved by the Association and the Borough.

Mr. Montague asked if the third story of the building will be used by Dr. Purewal.

Mr. Boyle testified that the third floor is just used for storage. He has no plans to lease out the third floor.

Mr. Heap asked Dr. Purewal whether, in her practice, if she had any waste that needed special handling when disposing.

Dr. Purewal answered that any medical waste from her practice will be put in a special box which will be picked up by a disposal service who specializes in medical waste. It will not go in the dumpster.

Chrmn. Favate asked if Dr. Purewal will be entirely relocating her current practice in Shorts Hill to 82 Main Street. Dr. Purcell answered yes.

Mr. Williams asked Dr. Purewal the time span a patient would be visiting her facility.

Dr. Purewal answered typically anywhere between 30 minutes and 60 minutes.

Mr. Montague asked if there would be any changes to the outside façade of the building.

Mr. Boyle answered no.

Mrs. Van Wie asked if there would be an out-patient procedure requiring someone to drive a patient home after a procedure.

Dr. Purewal answered that a majority of the patients do not need someone to accompany them home. Possibly a few times a month, a patient would be accompanied by someone who will take them home after a procedure.

Mrs. Van Wie asked if lab trucks will be arriving at this office.

Dr. Purewal answered maybe a few time a month such a truck would come to her office. It would not be on a regular basis.

Council Member Hoffman asked about the parking arrangements for this building.

Mr. Boyle explained that 82 Main Street is directly adjacent to the rear entrance of the Serenade Restaurant. There is parking for 82 Main Street available in that section.

Mr. Engel asked if additional handicap parking spaces would be needed with the opening of this medical office.

Attorney Ullrich answered that parking that is currently in place is what the Borough requires. If Mr. Purwal were to request that the landlord change the parking arrangements, it could be discussed.

Mr. DeNave pointed out that the number of handicap spaces is based on the number of parking spaces in the lot, not based on the use of the building.

Mayor Harris made a motion to approve Application PB #18-14: Town Square Partners, LLC of 82 Main Street, granting a Change of Permitted Use with a Waiver of Site Plan, with the condition that the applicant will submit a signage plan to the Borough Sign Committee for their approval. Council Member Hoffman seconded the motion. A roll call vote was taken:

Mayor Harris	-	yes
Mr. Williams	-	yes
Mr. Montague	-	yes
Vice Chrmn. Wagner	-	yes
Mrs. Van Wie	-	yes
Mr. Engel	-	yes
Mr. Dawson	-	yes
Council Member Hoffman	-	yes
Mr. Heap	-	yes
Chrmn. Favate	-	yes

Application PB #18-14: Town Square Partners, LLC was approved.

Application PB #18-15
Nick Nickolopoulos
28 Watchung Avenue
Change of Permitted Use with Waiver of Site Plan
Block 134, Lot 7

Nick Nickolopoulos, the applicant, was sworn in to testify.

Mr. DeNave noted that 28 Watchung Avenue is currently Suburban Auto. He showed on the monitor Suburban Auto's building and its position on Watchung Avenue and Commerce Street. He believed Suburban Auto has been in business for many years. The owner is retiring and putting the building up for sale.

Mr. DeNave stated that Mr. Nickolopoulos is proposing to change the use of this building from the auto use to an eating and drinking establishment/warehouse/baking facility.

Mr. DeNave described the current conditions on the property. Parking occurs all around the building. Whatever portion the building doesn't occupy, there is pavement right now. There currently is no opportunity for green space. Mr. DeNave stated that the footprint of the building will not change. In order for Mr. Nickolopoulos to purchase the building, he has to obtain the approval of the Board for his particular use.

Mr. DeNave noted that Mr. Nickolopoulos does not have all the exterior details finalized, because some cosmetic changes will be made. For instance, the existing roll-up front may be changed into windows. Mr. Nickolopoulos does not want to spend any money on these type changes until he obtains approval from the Board. Mr. DeNave stated that there will be a small retail section at the front of the building, measuring about 800 sq. ft.

Chrmn. Favate asked if indoor dining was being proposed.

Mr. Nickolopoulos answered no. There may be a few seats, but not really an indoor dining area. Mr. DeNave clarified that the front retail section will measure 800 sq. ft., but there will be a much smaller area in front of the counter. Mr. DeNave explained the calculations that are being considered for the number of needed parking spaces.

Regarding the parking situation, Mr. DeNave could not accept the present method of vehicles backing out of this property onto Watchung Avenue. Hopefully, that vehicle situation will be made safer. The front façade of the building could be made more inviting and attractive. Mr. DeNave felt that seven parking spaces could be designated for customers. Five parking spaces could be created for employees. Chrmn. Favate felt that six parking spaces seemed like a lot. Mr. DeNave suggested Mr. Nickolopoulos explain what activities would take place in the building.

Mr. Nickolopoulos stated that his family bakery has operated 48 years in Bay Ridge, Brooklyn. He is a second-generation pastry chef. Two years ago, Mr. Nickolopoulos had taken over a bakery that was closing in Stirling NJ. He stated that his bakery has high quality items with

customers on a national level. Mr. Nickolopoulos stated that his family is looking to move in this local area.

Mr. Nickolopoulos testified that his bakery business does a great deal of shipping. His business needs a rear access with parking. His business will not have many employees. Without the needed parking, his business will be significantly devalued.

Mayor Harris asked Mr. Nickolopoulos to describe the retail part of his business.

Mr. Nickolopoulos explained that his future growth is online shipping. He doesn't want a big retail space in this building. An open kitchen will be created to give the customers the pleasing aromas and appearances of cooking. A small refrigerator display will be installed for the frozen pastries and desserts. The tables and chairs will just be a convenience for brief dining. Mr. Nickolopoulos said that there will be no call-ahead orders taken.

Mr. Montague asked what the range of products would be

Mr. Nickolopoulos answered that he does fine quality desserts. However, in his wholesale part of his business, he will focus mainly on the bread products, which are the best in the gluten-free market. The bread products are also vegan, dairy-free, and allergy-free. He will not be baking regular bread on the premises. It will all be gluten-free.

Mrs. Van Wie asked if there was any space on Commerce Street that would allow for an overflow of parking, especially during holiday season.

Mr. Nickolopoulos noted that Commerce Street is less active on Saturdays.

Mr. Engel asked what the business hours would be.

Mr. Nickolopoulos answered that currently the hours are from 9 a.m. to 6 p.m. He explained that he and his employees will not be baking all day. However, he will not be baking during night time hours.

Council Member Hoffman asked how the bakery products will be shipped.

Mr. Nickolopoulos explained that on a regional-level his bakery has its own delivery van. Shipping on a national level, packaging and dry ice is used.

Council Member Hoffman asked if delivery trucks will be visiting sporadically throughout the day.

Mr. Nickolopoulos clarified that eighteen-wheelers will not be used. He emphasized that this bakery was still a small family business. He will be shipping his bakery items using Fedex trucks for long distance deliveries. Mr. Nickolopoulos is currently working on delivering his bakery items directly by Fedex and allowing them to deliver the goods. His own delivery truck will deliver on a local level.

Mr. Montague asked how many customers the bakery would have on a normal day.

Mr. Nickolopoulos explained that it's hard to tell. The gluten-free community buys in bulk. These customers buy in bulk and won't return for 2 or 3 weeks. Monday the bakery will be closed.

Mr. Montague asked what would be the number one item that would attract the customers.

Mr. Nickolopoulos answered that he bakes custom cakes; however, their wholesale product is the gluten-free bread. Pascarella Brothers uses his breads. Other eateries ask for his breads.

Chrmn. Favate confirmed with Mr. Nickolopoulos that he will be re-locating his Stirling NJ bakery to 28 Watchung Avenue.

Chrmn. Favate brought up the proposed parking situation. She wasn't sure of the Borough parking regulations for this type of business being proposed.

Mr. DeNave did not feel it would be classified as retail, and it would not be considered a restaurant. He felt this business would be a hybrid of sorts. Mr. DeNave wasn't sure what parking requirements this type business would follow.

Looking at the street view slide showing the site, Mr. DeNave stated that arrangements should be made to make it safe and easy for the bakery customers to move in and out of the site. He would like to remove this particular vehicle activity of pulling in or backing out onto Watchung Avenue.

Council Member Hoffman pointed out that there is no Belgian block curbing along that side of Watchung Avenue. Vehicles can easily pull in on the asphalt.

Chrmn. Favate felt that the number of parking spaces should be as low as possible. Perhaps six parking spaces could be designated for the bakery employees. Three parking spaces could be created for customers. Chrmn. Favate would like some of the existing pavement removed, especially at the front. Improved curbing could be installed for safety.

Mr. Nickolopoulos believed that there would not be more than 7 employees in his bakery. Some of his employees may not even drive. He realizes the dangerous parking arrangements that currently exist on the property. Mr. Nickolopoulos stated that it is not clear who actually owned the spaces currently being used for parking, especially the rear portion.

Mr. DeNave asked if the Board could vote on this application, allowing Mr. Nickolopoulos to move his business into 28 Watchung Avenue, and removing the parking at the front of the building. After Mr. Nickolopoulos closes on the building, Mr. DeNave stated he will then return to the Board with renderings of the front of the building. Regarding parking, Mr. DeNave felt that it would be hard for a bakery customer to find a parking space on Commerce Street at certain times of the day.

Chrmn. Favate felt uncomfortable giving a flat approval at this time. There are still some unknown issues that need clearing up. She asked Mr. Nickolopoulos what he needed at this point.

Mr. Nickolopoulos noted that he was paying a premium for this location. The parking is **an** issue. The building has not been touched in 50 years. For instance, the structure has no insulation. Mr. Nickolopoulos stated that he wanted to put some life into the building. He pointed out that parking is a major issue. The parking does not belong to the present owner. The owner is just selling only the building to Mr. Nickolopoulos at this point.

Mrs. Van Wie asked Mr. Nickolopoulos if he needed all the square footage in the building that is existing right now. Could he sacrifice a portion of the structure for parking?

Mr. Nickolopoulos answered no, that space is needed for the high-quality kitchen that he is proposing. He noted one parking space at the back is needed for the bakery's van.

Chrmn. Favate asked Mr. Nickolopoulos if he needed the 11 spaces as shone on the plans.

Mr. Nickolopoulos answered yes. It would keep customers from parking on the street. He pointed out that the bakery van needs a space and there will be five employees on site.

Mr. Nickolopoulos and the Board discussed the parking situation and the dumpster behind the building. He noted that the building has no basement. Storage would be maintained at the rear of the building.

Chrmn. Favate asked what the loading area with the three bays will be used for.

Mr. Nickolopoulos answered that shelving is needed for the bags of flour. He pointed out that the current owner has a pseudo second floor in the building. Mr. Nickolopoulos will be removing that second floor and exposing the beams. He is also proposing office space and a men and women's bathrooms.

Mr. DeNave noted that the parking on this property has never been approved by anyone. Now is a chance to improve the parking situation. Mr. DeNave also noted that a provisional approval cannot be given by the Board with Mr. Nickolopoulos returning to the Board. Mr. DeNave suggested the Board consider approving the plans as they stand now, and have Mr. Nickolopoulos work with him (Mr. DeNave) to make it better.

Mr. DeNave pointed out that Mr. Nickolopoulos needs to know that he is allowed to park around this building. Mr. DeNave said he had advised Mr. Nickolopoulos that some parameters have to be set up around the current parking arrangement for safety reasons.

Mayor Harris asked whether 12 parking spaces would be adequate for the new use of this building.

Mr. DeNave answered that Mr. Nickolopoulos has to believe that 12 spaces were adequate. For this particular use and the limited clientele involved, Mr. DeNave believed that the 12 spaces were fine.

Mayor Harris asked if the application could be approved as long as the applicant is able to provide 12 parking spaces with no spaces immediately in front of the building.

Attorney Loughlin pointed out that a Change of Permitted Use is to allow for the existing conditions to continue. He understood from the Code Official that a resolution for the existing use on this property does not exist. Attorney Loughlin also understood that the applicant is looking for some kind of approval or assurance that he can go ahead with the purchase of this building.

Attorney Loughlin believed, as Borough Attorney, that this is not a Change of Permitted Use. This application should be seeking a Site Plan Approval. Attorney Loughlin recommended that the applicant have the parking specifically configured. He did not recommend that the Board approve everything in the application but the parking, and then have the applicant return for that aspect. This is too much of a reach in a legal sense. Attorney Loughlin believed the applicant should be seeking Site Plan Approval. At the present time, Attorney Loughlin could not see how the Board could move on a resolution.

Mr. DeNave asked Attorney Loughlin what he would want to see on the site plan.

Attorney Loughlin pointed out that this is a non-conforming situation. The current use has never been approved by the Borough.

Chrmn. Favate told Mr. Nickolopoulos that the Board is very interested in having his business locate here in Chatham; however, there are still matters that need to be cleared up on paper.

Mr. Nickolopoulos raised the question of how he could buy a million-dollar property with no parking supplied.

Attorney Loughlin told Mr. Nickolopoulos that he is trying to obtain too much. What he chooses to do as an investment, does not eliminate or obviate the need of this Board to act within the law. The Board cannot give the blessing that he is looking for. With all due respect, this is an inappropriate request.

Attorney Loughlin recommended that Mr. Nickolopoulos return with a plan showing what will be going in the building, and any proposed parking. Perhaps waiver and variances may have to be sought. He pointed out that this property is a non-conforming situation, never having obtained approvals from the Borough for parking and a structure.

Mr. Nickolopoulos expressed concern about the current parking existing on Borough property.

Attorney Loughlin answered that the Board was also concerned about that situation also. He suggested a survey be submitted to help with this matter. As the Board Attorney, he stated that

he had no survey showing property lines and other details. With all due respect to the current owner, this is a very unsettled situation as to the zoning aspect of the property.

Mr. DeNave suggested to Mr. Nickolopoulos that they go over the Site Plan Application together. They can then schedule a return to the Planning Board.

Mr. Nickolopoulos agreed with this suggestion. He thanked the Board for their time.

Pending Business

Mayor Harris noted that two redevelopment studies will be worked on in 2019. Another steering committee is needed for the River Road Redevelopment Study. He is asking Council Member Hoffman to still serve on the Steering Committee for Post Office Plaza for 2019, even though he will no longer be on the Borough Council or Planning Board. Mayor Harris is asking Council Member Hoffman to do consulting for the Borough concerning the River Road Study. The Steering Committees will meet as needed.

Mr. Williams reported that the public survey for Post Office Plaza will be extended because of the holidays, until the end of January.

Mr. DeNave asked Board members if they found it helpful to showing applicants' properties on the Council Chamber's TV monitors, as was done tonight?

The Board indicated that method was fine.

Regarding future applications, Mr. DeNave noted that the Board will be hearing a minor subdivision application for Garden Avenue and possibly another one on Dunbar Street. At this time, there is nothing new to report for the store unit that served as Helen's Dressmaking Shop.

At 9:00 p.m. the meeting adjourned.

The next Planning Board meeting will be on Wednesday, January 2, 2019, 7:30 p.m., in the Council Chambers, Chatham Borough Hall.

Respectfully submitted:

Elizabeth Holler
Recording Secretary

